

USDS SDNY
DOCUMENT
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:
Yolanda Matos o/b/o
D.C. :

Plaintiff, :

v. :

MICHAEL J. ASTRUE,
Commissioner of Social Security, :

Defendant. :

PROPOSED ORDER OF DISMISSAL
07 Civ. 3566 (HB)

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WHEREAS, on April 12, 2007, plaintiff pro se filed a
complaint appealing a final unfavorable decision of the defendant
Commissioner of Social Security (the "Commissioner") finding that
D.C., a child, was not under a disability within the meaning of
the Social Security Act;

WHEREAS, defendant answered the complaint on September
18, 2007;

WHEREAS, on November 2, 2007, the Court granted
defendant's nunc pro tunc request for an extension of time until
November 9, 2007 to move for judgment on the pleadings and
ordered that plaintiff submit her brief by December 10, 2007 and
that defendant reply by December 17, 2007;

WHEREAS, on November 9, 2007, defendant served
plaintiff with his motion for judgment on the pleadings and
supporting memorandum of law, and filed same on November 13,
2007;

WHEREAS, plaintiff did not respond to defendant's motion by December 10, 2007; ✓

WHEREAS, on December 18, 2007, the Court granted plaintiff an extension of time until January 16, 2008, to respond to defendant's motion; ✓

WHEREAS, plaintiff did not respond to defendant's motion by January 16, 2008; ✓

WHEREAS, on March 24, 2008, the Court granted plaintiff a second extension, until March 26, 2008, to respond to defendant's motion; ,

WHEREAS, plaintiff did not respond to defendant's motion by March 26, 2008; ✓

WHEREAS, pursuant to the Court's Order of April 7, 2008, on April 9, 2008, defendant mailed to plaintiff pro se, by certified mail, return receipt requested, a letter enclosing a copy of the government's motion and brief and informing her that the Court had granted her until April 22, 2008, to respond to the government's papers, and further informing her that if she did not respond by this date, her case would be dismissed; ✓

WHEREAS, the return receipt was returned to defendant signed by "Angel Reyes;"

WHEREAS, plaintiff did not respond to defendant's motion for judgment on the pleadings by April 22, 2008; ✓

IT IS HEREBY ORDERED, that plaintiff respond to defendant's motion by August 19, 2008;

IT IS HEREBY FURTHER ORDERED, that if plaintiff does not respond to defendant's motion by August 19, 2008, her case may be dismissed with prejudice.

Dated: July 28, 2008

SO ORDERED:


UNITED STATES DISTRICT JUDGE